

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 07-2627

PAUL SVINDLAND and ALLISON SVINDLAND,
INDIVIDUALLY and as ADMINISTRATORS of the
ESTATE of IAN SVINDLAND, a MINOR, DECEASED,
Appellants,

vs.

THE NEMOURS FOUNDATION and
WILLIAM I. NORWOOD, M.D., Ph.D.,
Appellees.

and

THE CHILDREN'S HOSPITAL OF PHILADELPHIA
and JAMES E. GOIN
Intervenors.

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
No. 05-cv-00417
District Judge: Honorable Berle M. Schiller

Argued
May 15, 2008

Before: McKee and Garth, *Circuit Judges*, and RODRIGUEZ, *District Judge**

*The Honorable Joseph H. Rodriguez, Senior District Judge for the District of New Jersey, sitting by designation.

JUDGMENT

This cause came to be heard on the record of an appeal of a judgment entered on May 11, 2007 by the United States District Court for the Eastern District of Pennsylvania.

On consideration whereof, it is now hereby

ORDERED and ADJUDGED by this Court that the judgment entered in favor of Appellees The Nemours Foundation and William I. Norwood, M.D., Ph.D., is VACATED and this matter is REMANDED to the District Court for a new trial. The Chief Judge of the United States District Court for the Eastern District of Pennsylvania should order the Clerk of that court to reassign this case to another District Judge in the Eastern District of Pennsylvania.


All of the above in accordance with the Opinion of this Court.

Each party will bear its own costs.

ATTEST:

/s/ Marcia M. Waldron
Clerk

Dated: June 26, 2008


Certified as a true copy and issued in lieu
of a formal mandate on 08/04/08
Teste: *Marcia M. Waldron*
Clerk, U.S. Court of Appeals for the Third Circuit